

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In re:)	
)	Case No. 3:19-bk-1971
CAPSTONE PEDIATRICS, PLLC,)	
)	Chapter 11
Debtor.)	
)	
)	
CDS BUSINESS SERVICES, INC. d/b/a)	
NEWTEK BUSINESS CREDIT.)	
)	
Plaintiff,)	
)	
v.)	Adversary Proceeding No.
)	
)	3:20-ap-90140
AMERICA CARES TRUST d/b/a)	
CARENATION)	
)	
Defendant.)	

WITNESS AND EXHIBIT LIST

Pursuant to LR 9014-1(d)(1) and this Court's Order Setting Hearing on Expedited Motion for Preliminary Injunction, CDS Business Services, Inc. d/b/a Newtek Business Credit ("CDS") makes the following witness and exhibit list disclosure for the hearing on its Expedited Motion for Preliminary Injunction.

I. WITNESSES

1. Paul Borowski

Sr. Vice President – Chief Credit Officer of CDS

1981 Marcus Lane, Suite 130, Lake Success, NY 11042

(516) 494-9990

2. Jim Davis

Director, Chiron Financial

Fulbright Tower, Suite 2800, 1301 McKinney, Houston, TX 77010

(205) 266-0399

II. EXHIBITS

CDS will offer into evidence the following documents, as filed and exchanged utilizing the court's Electronic Evidence Submission Application pursuant to the Electronic Evidence Procedures:

1. Bankruptcy Case Main Docket Sheet [EESA 1001]
2. Order Authorizing Use of Bank Accounts [DE 43] [EESA 1002]
3. Entered Final DIP Order (with attached DIP Facility) [DE 104] [EESA 1003]
4. Entered Final Agreed Order Retaining Jim Davis and CRO Chiron Advisory Services as Turnaround Advisory Firm [DE 109] [EESA 1004]
5. Agreed Order Amending DIP Financing terms [DE 204] [EESA 1005]
6. Entered Order Approving Sale (with attached Asset Purchase Agreement) [DE 254] [EESA 1006]
7. Bank of America Standard Deposit Agreement and Disclosures [EESA 1007]
8. Debtor in Possession Account number ending in 6837 bank statement for August, 2020 [EESA 1008]
9. Debtor in Possession Account Number ending in 6239 for August, 2020 [EESA 1009]
10. Text messages between Michael Gaw and Jim Davis [EESA 1010]

11. Text messages between Michael Gaw and David Houston [EESA 1011]
12. Emails between Jim Davis and Michael Gaw [EESA 1012]
13. Email correspondence from Jim Davis to Michael Gaw dated September 2, 2020 and September 3, 2020, along with email forwarding same to undersigned counsel [EESA 1013]

CDS reserves the right to amend this list, to call any witness necessary to rebut testimony or documents of any other party or witness, and to introduce any document in the court's files in the above styled case, any documents introduced by any other party, and any exhibits offered for rebuttal.

Respectfully submitted,

/s/ Daniel H. Puryear

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*Counsel for CDS Business Services, Inc.
d/b/a Newtek Business Credit*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed electronically on September 15, 2020. Notice of this filing was sent by operation of the Court's electronic filing system to all those parties specifically requesting electronic service and as indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. In addition, the foregoing was sent by email to Debtor's counsel, the United States Trustee and the last known email address for the registered agent for defendant CareNation.

/s/ Daniel H. Puryear

Daniel H. Puryear